The Planning Inspectorate

Appeal Decision

Site visit made on 17 May 2017

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th June 2017

Appeal Ref: APP/E2734/W/17/3169072
Knaresborough Caravan Club Site, New Road, Scotton HG5 9HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Andrew Majcher, The Caravan Club against the decision of Harrogate Borough Council.
- The application Ref 16/03737/DVCON, dated 31 August 2016, was refused by notice dated 27 October 2016.
- The application sought planning permission for use of land for the stationing of 11 twin unit chalets for use between 1 March and 7 January in any year without complying with a condition attached to planning permission Ref 91/00644/FUL, dated 31 May 1991.
- The condition in dispute is No 3 which states that: *No caravan/chalet on the site shall be occupied between 7 January and 1 March in any one year*.
- The reason given for the condition is: *In the interests of amenity.*

Decision

1. The appeal is allowed and planning permission is granted for the stationing of 11 twin unit chalets at Knaresborough Caravan Club Site, New Road, Scotton HG5 9HH in accordance with the application Ref 16/03737/DVCON dated 31 August 2016 and the plans submitted with it, without compliance with condition number 3 previously imposed on planning permission Ref 91/00644/FUL dated 31 May 1991 but subject to the following condition:

    1) The caravans/chalets shall not be used for any purpose other than holiday accommodation and shall not be occupied for periods exceeding one calendar month at a time by the same occupant and shall not be used as permanent residential accommodation.

Procedural Matter

2. I have amended the description of development in my formal decision above to remove reference to the dates of occupation. These would be redundant and misleading in light of the removal of the disputed condition.

Background and Main Issue

3. The planning permission granted in 1991 included a condition restricting the occupation of the proposed chalets or caravans on the site between 7 January and 1 March in any one year. This reflected the description of development and the reason given for the condition was to protect amenity. The Council's evidence clarifies that the main area of concern is with the effect on the landscape character of the area.

4. Considering this background and the evidence submitted in support of the appeal, I consider the main issue to be whether the condition is necessary or reasonable in the interests of the character and appearance of the area.

Reasons

5. At the time of my visit, the caravan park was closed and undergoing building works associated with the expansion of the site and other associated works which were granted permission in 2016 (16/03348/FUL). There were no tourist caravans or chalets on site, but there is no suggestion from the Council that the development has not been implemented in line with the approved details and thus I have considered the appeal on this basis.

6. The Council's concerns relate primarily to the effect of the development on the landscape character of the area. Although the Council's officer report states that removing the condition would not harm the living conditions of neighbouring occupants, they have still raised the issues of noise and disturbance from the site primarily in relation to the effect this would have on what they describe as the quiet landscape character of this countryside location.

7. The site is located within the Knaresborough Grassland Landscape Character Area (LCA). The assessment for this acknowledges the existence of the caravan park as part of the landscape, as well as other nearby recreational and tourist facilities. The assessment suggests that expansion of such facilities could harm the landscape character of the area. However, removing the disputed condition would not result in any physical expansion of the park, but would extend the period within which caravans/chalets could be occupied.

8. The caravan park is therefore an established feature in the landscape and has recently been granted permission to increase the number of pitches on other parts of the site without concerns over the impact on the visual amenity of the area. The existing pitches are relatively central within the site and can mainly be viewed from High Moor Lane, which is a track and public footpath that runs by the site, and New Road, particularly around the access. They would also be in view from the holiday home park adjacent to the site. Nonetheless, the site is extremely well screened by mature hedgerows and trees which are likely to significantly reduce the visual impact of any caravans or activity on the site during spring and summer.

9. The effectiveness of this screening would be reduced to an extent during the period covered by the disputed condition. As such, I recognise that any caravans or associated buildings on the site are likely to be more visible during this period than they would be during the spring and summer months. However, this would also be the case between October and January each year when the trees are equally without leaves and occupancy is permitted. It would be reasonable to assume that any impact on the character of the area as a result of the occupancy of any caravans/chalets, including such things as parked vehicles, domestic paraphernalia and lighting would be unlikely to be significantly different or more harmful between January and March than it would be earlier in the winter. I am also mindful that there is no restriction on occupancy over the Christmas and New year period, which is likely to be busier than during the disputed period.

10. The Council's evidence does not persuade me that there would be any greater degree of impact on the character and appearance of the area during the short period when caravans/chalets cannot currently be occupied than at other periods when the effects of their occupancy would similarly be felt. Moreover, whether the screening provided by the soft landscaping is at its most or least effective, the presence of the caravan park, and all the activities associated with it, would be discernible to local residents and passers-by to some degree or other. The presence of caravans/chalets or other associated activity during the full year would not be seen as being either unusual or incongruous. In these circumstances, I consider that the material impact of an additional 7 weeks of potential occupancy of the area in question would be negligible.

11. I am satisfied therefore that with or without the condition, there would not be an unacceptable impact on the landscape character or appearance of the area resulting from the occupancy of the caravans/chalets. Accordingly, there would be no conflict with Harrogate Core Strategy (2009) Policy SG4 or saved Harrogate District Local Plan (2001)(LP) Policy C2 which seek, amongst other things, to protect the character and appearance of the countryside and ensure development is well integrated with the spatial qualities of the local area. While not referred to in their reasons for refusing the appeal application, I also see no conflict with LP Policy HD20 which seeks, amongst other things, to ensure development respects its landscape setting. As a result of this, I do not consider that condition 3 is necessary in the interests of the character and appearance of the area.

Other Matters

12. I have noted comments from neighbours relating to the mitigation that trees in leaf make to the noise and visual impact. I note that there were no objections to removing the condition from the Council's Environmental Health officers in this regard. I have no substantive evidence before me that there would be any greater risk of harm to the living conditions of nearby occupants either in terms of outlook, noise or disturbance during the disputed period than at any other time during the year. The condition provides a short period where any activity associated with the caravan park would be significantly reduced, but there is nothing before me to suggest that it results in material harm when in full operation. As such, the evidence before me is not persuasive that a relatively short increase in the period that caravans/chalets can be occupied would lead to any material harm to the living conditions of nearby residents.

13. The Council has raised the issue of precedent insofar as a similar condition was attached to permission 16/03348/FUL and the use of the additional pitches granted under that permission. However, given that I have concluded that removing the condition would be acceptable I can see no reason why it would create a precedent for harmful development. Any applications to remove the condition on the pitches granted under subsequent permissions would be subject to separate applications and considered on their own merits.

14. The Council raised no concerns in relation to drainage issues and I have seen nothing that would lead me to a different conclusion. Altering the period of occupancy is unlikely to have an effect on this issue in any event.

Conditions

15. The Council has not suggested any conditions. Nonetheless, the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As the development has already taken place it is not necessary to re-impose the original condition in relation to the time limit for commencement or that requiring development to be carried out in accordance with approved details.

16. I have re-imposed the condition relating to the use of units being only for the purpose of holiday accommodation. I have modified this to remove reference to 'proposed' as the development has been implemented. This condition remains necessary as there is nothing to suggest that the permanent occupancy of caravans/chalets would be appropriate in terms of local or national policies relating to rural housing.

Conclusion

17. For the reasons set out above I conclude that the appeal should be allowed. I will grant a new planning permission without the disputed condition but retaining those non-disputed conditions from the previous permission that appear still to be relevant.

S J Lee

INSPECTOR